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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 BRENDAN DUNN,

CASE NO. C18-0257JLR

11 Plaintiff,

ORDER

12 v.

13 CITY OF SEATTLE, et al.,

14 Defendants.

15 This matter comes before the court upon Defendant City of Seattle's motion to
16 strike Plaintiff Brendan Dunn's expert witnesses. (Mot. (Dkt. # 52).) Mr. Dunn did not
17 file a response. (*See generally* Dkt.)

18 On August 19, 2019, the court held a telephonic hearing on Defendant City of
19 Seattle's (the "City") Motion to Compel. (*See* 8/13/19 Dkt. Entry; MTC (Dkt. # 34).)
20 During the hearing the following occurred:

21 The Court: The record is complete that there are no experts being called by
22 the plaintiff in this case. I think I highlighted that in at least four different
spots [in the pleadings].

1 Mr. Hildes: Right. The plaintiff is going to call the treating therapist – the
2 diagnosing therapist and the current treating therapist as medical providers.

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4 The Court: [I] will allow them to discuss their diagnosis, I will allow them
5 to discuss their treatment. I will not permit any causation testimony. The
question of causation is one that goes to expert opinion.

6 (Hearing Transcr. (Dkt. # 45) at 12:7-25.)

7 The City “seeks to strike any expert or other testimony that Mr. Dunn may seek to
8 offer that would suggest or imply that Mr. Dunn’s emotional difficulties have anything to
9 do with the City’s failure to timely remove the Alert, or were caused by the failure to
10 remove the alert.” (*See Mot.* at 2.)

11 The City’s motion concerning expert testimony covers ground on which the court
12 has already ruled and is therefore granted to the extent it seeks to exclude expert
13 witnesses. The relief the City seeks, however, includes expert testimony *and* that of Mr.
14 Dunn. (*See id.*) The topic of possible testimony by Mr. Dunn is not discussed in any
15 detail in the City’s motion. (*See generally id.*) Thus, the court denies the motion to the
16 extent it seeks to exclude Mr. Dunn’s testimony. The court will be guided at trial by
17 Evidence Rule 702. *See Fed. R. Evid. 702.*

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1 The City's motion to strike Mr. Dunn's experts (Dkt. # 52) is GRANTED in part
2 and DENIED in part for the reasons stated herein. The City's counsel are cautioned to be
3 more careful in future pleadings filed with the court.

4 Dated this 3rd day of October, 2019.

John P. Blunt

JAMES L. ROBART
United States District Judge